IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CRIMINAL APPEAL No. 162 of 2005

Pankaj Shah S/o Late Sri J.C.L. Shah,
R/o 459, Dharampur, Dehradun, Distt. Dehradun

... Appellant

Versus

State & another

... Opposite Party

Dated: July 12, 2007

Sri Lokendra Dobhal, learned counsel for the appellant
Sri Harish Pujari, learned Addl.G.A. for the State/opp. Party

HON. DHARAM VEER, J.

This criminal appeal, preferred under Section 341 of The Code of Criminal Procedure, 1973, is directed against the order-dated 05.03.2003 passed by District & Sessions Judge, Dehradun.

2. The appellant filed an application u/s 340 (2) of Cr.P.C. in Misc. Case No. 152 of 2003, Pankaj Shah Vs. Gopal, before the District & Sessions Judge, Dehradun. After perusing the application and hearing learned counsel for the parties, the learned District & Sessions Judge, Dehradun vide his order dated 05.03.2003 rejected the application moved u/s 340(2) by the appellant. Against the said order dated 5.3.2003, the appellant has preferred the present appeal before this Court.

3. I have heard Sri Lokendra Dobhal, learned counsel for the appellant and Sri Harish Pujari, learned Addl. G.A. for the State and perused the order dated 5.3.2003.

4. Sri Lokendra Dobhal, learned counsel for the appellant stated at bar that he does not want to press his appeal and he submitted that the appeal may be dismissed as not pressed. However, he submitted that the liberty may be given to him to avail appropriate remedy before the appropriate forum.

5. In view of the above statement made at bar, the appeal is dismissed as not pressed with the liberty to the appellant to avail appropriate remedy before the appropriate forum. The order dated 5.3.2003 is hereby confirmed.

(Dharam Veer, J.)

Rajeev Dang